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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050998
Party	Plaintiff Oscar Urbina, Jr.
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Submission	Response to Board Order/Inquiry
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Date	12/30/2011
Attachments	Urbina's Response to Dec. 2, 2011 Order.pdf (2 pages)(26369 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<i>In the Matter of Trademark Reg. No.</i>)	
<i>3,170,684, in the Name of Aguila Records,</i>)	
<i>Inc., Registered Nov. 14, 2006 for the</i>)	
<i>Trademark ALACRANES MUSICAL</i>)	
)	
OSCAR URBINA, JR.,)	Cancellation No. 92050998
)	
Petitioner,)	
)	
v.)	
)	
AGUILA RECORDS, INC,)	
)	
Respondent.)	

PETITIONER’S RESPONSE TO THE ODER OF DECEMBER 2, 2011

Petitioner Oscar Urbina, Jr. (hereinafter “Urbina” or “Petitioner”), by and through his attorneys, hereby responds to Board’s Order of December 2, 2011, as follows:

While Respondent is correct that the parties have reached a settlement in the Federal Lawsuit and this proceeding should be dismissed, it should **not** be dismissed with prejudice based on the terms of the settlement agreement. Respondent is well aware that Petitioner’s attorneys advised Judge Zagel, and all parties, that they could not continue to represent the Petitioner because of a potential conflict of interest and, accordingly, Petitioner retained new counsel. However, for unexplained reasons, Respondent’s counsel continued to contact the undersigned. If Respondent is claiming that this proceeding should be dismissed with prejudice, then this action is **OPPOSED**. The Petitioner does not oppose a dismissal without prejudice.

CONCLUSION

For the foregoing reasons, the Petitioner Oscar Urbina, Jr. respectfully requests that the Board dismiss this proceeding be dismissed without prejudice to Petitioner's right to reopen same in the event of a breach of the settlement agreement by Respondent.

Dated: December 30, 2011

Respectfully submitted,

s/ Yocel Alonso

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*Counsel for Petitioner,
Oscar Urbina, Jr.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PETITIONER'S RESPONSE TO BOARD'S ORDER OF DECEMBER 2, 2011** was served on the following counsel of record by First Class Mail and via email on December 30, 2011:

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/s/ Yocel Alonso